

APPEAL NO. 020948
FILED JUNE 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 22, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable mental trauma injury on _____, and that she did not have disability. The claimant appeals, arguing essentially that the hearing officer erred in determining compensability and disability. The respondent (self-insured) filed a response urging affirmance.

DECISION

Affirmed.

The claimant attached evidence to her appeal documents that was not offered at the CCH. Documents submitted for the first time on appeal are generally not considered. Texas Workers' Compensation Commission Appeal No. 93111, decided March 29, 1993. These documents do not meet the requirements that would permit them to be considered on appeal.

The hearing officer did not err in determining that the claimant did not sustain a compensable mental trauma injury on _____. The issue of whether the claimant sustained a compensable injury was a question of fact for the hearing officer. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Here, there was conflicting evidence as to whether the claimant's mental trauma was related to her work or to a personal tragedy.

Given our affirmance of the hearing officer's injury determination, we likewise affirm his determination that the claimant did not have disability. By definition, the existence of a compensable injury is a prerequisite to a finding of disability. Section 401.011(16).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **STATE OFFICE OF RISK MANAGEMENT** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
THE STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Roy L. Warren
Appeals Judge